

**Remarks**

Claims 1-4, 7-9, 11-14, 17-19, 21-24, 27-29, and 31-34 are pending in the application. All claims stand rejected. By this paper, claims 1, 11, 21, and 31 have been amended. Reconsideration of all pending claims herein is respectfully requested.

Claims 1-4, 7-9, 11-14, 17-19, 21-24, 27-29, and 31-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,412,110 to Schein et al. ("Schein") and U.S. Patent No. 6,347,400 to Ohkura. This rejection is respectfully traversed.

Claim 1 recites a method for indicating a completion status of a media program, comprising:

displaying an electronic program guide (EPG) having first and second axes and a plurality of elements, the first axis corresponding to a plurality of media providers, the second axis corresponding to a plurality of time slots, each element corresponding to a media program;

displaying a line indicating a current time across at least a portion of the EPG, wherein the line is perpendicular to the second axis and bisects an element of the EPG into an elapsed portion and a remaining portion, the elapsed portion being proportional in size to an elapsed time of a media program corresponding to the element, and the remaining portion being proportional in size to a remaining time thereof;

generating a separate graph of elapsed time versus running time for a first media program, the graph indicating the elapsed proportion of the first media program without reference to the line; and

**positioning the separate graph upon the corresponding element in the EPG, the graph being automatically displayed without the necessity of user input.**

Support for this amendment is found at page 17, lines 23-24 of the specification.

These claimed features allow a user, while browsing an EPG, to determine at a glance how much of a media program has been missed without having to first make a selection of an element. In many cases, the claimed line displayed across the EPG may be used for this purpose, since an element that is completely shown within the EPG may be bisected by the line, dividing the element into an elapsed portion and a remaining portion.

However, in many cases, elements representing media programs are not fully displayed in the EPG, since the EPG only represents a discrete window of time. For instance, an element representing a two-hour movie might only be partially shown within the EPG, indicating that the program will not finish within the current time window. In such cases, the line bisecting the element does not correctly indicate the elapsed proportion of the program. Indeed, in certain situations, it might not be possible to scroll the EPG window to show the entire element. For example, the EPG may only provide a three-hour window, while an element may represent a four-hour sporting event. In such a case, the bisecting line cannot accurately represent the proportion of elapsed time to running time.

To solve this problem, a separate graph of elapsed time versus running time is displayed upon the corresponding element (i.e., the element in the EPG representing the media program) without reference to the line, and without the necessity of user input. Thus, the user does not need to do anything to view one of the separate graphs, as shown in FIG. 5 of the present application. The graphs are already included in the EPG prior to any user selection.

In the Office Action, the Examiner apparently agreed that "Schein fails to disclose generating a separate graph of elapsed time verses running time for a first media program, the graph indicating the elapsed proportion of the first media program without reference to the line; and positioning the separate graph upon the corresponding element of the EPG." Office Action at page 3. However, contrary to the Examiner's assertions, the addition of Ohkura does not cure the deficiencies of Schein.

The Office Action contends that "Ohkura discloses ... positioning the separate graph upon the corresponding element in the EPG (see 205 in figure 8)." Office Action at page 3. However, Ohkura's time display bar 205 is not positioned on an element of the EPG, as claimed. Rather, the time display bar 205 is positioned on a "PPV purchasing picture 200, which is displayed when a *selected* PPV program does not accommodate NVOD, that is, when no PPV programs having the same contents as the *selected* PPV program [is] or will not be presented on other channels." Col. 12, lines 44-47 (emphasis added). In other words, Ohkura's time display bar 205 is only shown in response to a user selection of a PPV program from the EPG. Moreover, it is apparently displayed in a separate window, as shown in Ohkura's FIG. 7, not within an element of the EPG, as claimed.

Thus, Ohkura fails to satisfy the limitations of claim 1 in at least three respects. First, Ohkura's PPV purchasing picture 200 (which contains the time display bar 205) is displayed in response to a user selection. Accordingly, Ohkura actually teaches against the claimed limitation of "the graph being automatically displayed without the necessity of user input."

Second, Ohkura's PPV purchasing picture 200 is not shown or described as being a part of his EPG, which is illustrated in FIGs. 5 and 6. Indeed, the PPV purchasing picture 200 is described as being displayed subsequently to a selection of a PPV program from the EPG. Therefore, it cannot have been originally included in the EPG, as shown in FIG. 5 of the present application. Ohkura's FIG. 7 does not even show an EPG. How, then, can the PPV purchasing picture 200, which is only shown in FIG. 7, be considered a "element" of his EPG, as claimed.

With regard to claim 34, which recites the display of an enlarged version of the graph at a location outside of the program guide, the Examiner also cites to FIG. 7 of Ohkura. However, if the graph in FIG. 7 is displayed outside the EPG, as the Examiner suggests in the context of claim 43, it cannot also be positioned on "corresponding element in the EPG," as required by claim 1. The same graph cannot be both outside and inside the EPG. Claim 43 recites that a second graph (enlarged version) is displayed outside the EPG in response to a user selection. But this not the same graph that is automatically displayed on an element in the EPG without the necessity of user input, recited in claim 1.

Third, the PPV purchasing picture 200 apparently fills the entire screen shown in FIG. 7. There is no teaching or suggestion that the PPV purchasing picture 200 is included within or comprises the claimed "an electronic program guide (EPG) having first and second axes and a plurality of elements." Looking at Ohkura's EPG in FIGs. 5 and 6, there are no "elements" showing the purchase button 206 illustrated in the PPV purchasing picture 200 of FIG. 7. There is no teaching or suggestion that the PPV purchasing picture 200 is displayed within the EPG. Indeed, the fact that it

is displayed subsequent to a user selection, and the fact that it is obviously larger than the program elements shown in Ohkura's EPG (FIGs. 5 and 6), suggest that the PPV purchasing picture 200 actually replaces the EPG in response to a user selection of a PPV program. Thus, the PPV purchasing window cannot be an element of the EPG, as claimed.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03. In this case, none of the cited references disclose or suggest a separate graph of elapsed time verses running time that is:

- (1) displayed on an element in the EPG; and
- (2) displayed without the necessity of user input.

Accordingly, a prima facie case of obviousness cannot be established with the prior art of record.


In view of the foregoing, claim 1, as amended, is patentably distinct over the prior art of record. Claims 11, 21, and 31 have been amended to include similar limitations and are likewise believed to be patentably distinct for at least the same reasons. All other claims depend directly or indirectly from one of these claims, and are therefore patentably distinct by virtue of that dependency.

In view of the foregoing, the applicant respectfully submits that all pending claims herein are in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Digeo, Inc.

By



Kory D. Christensen  
Registration No. 43,548

STOEL RIVES LLP  
One Utah Center Suite 1100  
201 S Main Street  
Salt Lake City, UT 84111-4904  
Telephone: (801) 328-3131  
Facsimile: (801) 578-6999